

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
SEPTEMBER 2, 2010

The Common Council of the City of West Lafayette, Indiana, met in the Lower Level Conference Room at City Hall on September 2, 2010, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Dietrich, Hoggatt (arrived at 4:33 p.m.), Hunt, and Thomas.

Absent: Keen.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

Councilor Thomas will present the Beautification Award.

UNFINISHED BUSINESS

Ordinance No. 14-10 An Ordinance Providing For Payment Of Fire Hydrant Rental Costs By Indiana American Water Company Ratepayers (Sponsored by Mayor Dennis) (Consideration of this ordinance was postponed at the July 6, 2010, Council meeting until the September 7, 2010, Council meeting.)

Mayor Dennis read Ordinance No. 14-10 by title and asked for comments or questions.

Councilor Hunt reported that she was contacted by email and phone by a person from another district to report that the individual who had a hydrant that had been leaking for some time. Mayor Dennis answered that he took care of it.

There was no further discussion.

Ordinance No. 15-10 An Ordinance Setting The 2011 City Budget And Setting The 2011 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer) **PUBLIC HEARING ONLY**

Ordinance No. 16-10 An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2011 (Prepared by the Clerk-Treasurer)

Ordinance No. 17-10 An Ordinance To Fix The 2011 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Ordinance No. 18-10 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2011 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance Nos. 15-10, 16-10, 17-10, and 18-10 by title and asked for comments or questions.

Councilor Hoggatt announced that he had written his questions on the 2011 budget, which he distributed.

Councilor Bunder asked for, and received, confirmation that the public hearing on the budget will be at Tuesday's Council meeting, with the final reading and vote at the October meeting.

Clerk-Treasurer Rhodes commented that she would not be able to have responses to Councilor Hoggatt's questions by Tuesday's Council meeting. Councilor Hoggatt responded that he did not need the answers by the public hearing, but by the October meeting.

There was no further discussion.

NEW BUSINESS

Ordinance No. 20-10 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #66, Meteorological Towers and WECS) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 20-10 by title and asked for comments or questions.

Councilor Bunder asked if the four APC-submitted ordinances [Ordinance Nos. 20-10, 21-10, 22-10, and 23-10] were related in some way, or if they were just particular changes. City Engineer Buck answered that these are worked on by APC administrative staff, then passed through the APC Ordinance Committee. Because we have a unified zoning ordinance, some ordinances pertain more to issues in the County. The ordinance dealing with medical-related zones was developed because of ongoing discussions with the hospitals regarding the new hospitals and the sites of the former hospitals. The lowest floor elevation is clarification of an existing ordinance.

There was no further discussion.

Ordinance No. 21-10 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #67, Allow Changeable Copy Signs) (Submitted by Area Plan Commission)

Councilor Hunt asked if there were any dangers from certain kinds of signs in certain driving zones. City Engineer Buck said that the City does not have many of these. Most of Sagamore Parkway is NB zoned, not GB, and changeable copy signs are not allowed in NB zones. There are no HB, highway business, zones in the City.

There was no further discussion.

Ordinance No. 22-10 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #69, Change Development Standards of the Medical Related Zone and Introduce a New Zoning District, Medical Related-Urban) (Submitted by Area Plan Commission)

There was no discussion.

Ordinance No. 23-10 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #70, Lowest Floor Elevation) (Submitted by Area Plan Commission)

There was no discussion.

Ordinance No. 24-10 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (WWTU to Vision Insurance Payment Fund and Dental Insurance Payment Fund) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 24-10 by title.

Clerk-Treasurer Rhodes explained that this is related to a COBRA situation in which the individual will be making paying for coverage, but timing issues cause problems. She requested two readings at Tuesday's Council meeting.

There was no further discussion.

Ordinance No. 25-10 An Ordinance Prohibiting Certain Intoxicating Substances Within The City Of West Lafayette (Co-sponsored by Councilor Dietrich and Councilor Hoggatt)

Mayor Dennis read Ordinance No. 25-10 by title, and thanked Councilor Hoggatt and Councilor Dietrich for their work on this ordinance.

Councilor Burch mentioned that, under Section 1, the list is incomplete of current names of the substances. Mayor Dennis answered that it would be difficult to include all the brand names. Councilor Hunt suggested phrasing change to "may include the following," before the listing.

Councilor Burch recommended that the International Union of Pure and Applied Chemistry Systematic Names be used throughout the ordinance. Councilor Hoggatt agreed to do that.

City Attorney Burns stated that this ordinance came from the Prosecutor, who had received it from a State legislator. The Prosecutor gave it to the County Attorney, who sent it to Mr. Burns. The plan is for all the jurisdictions to pass the same legislation, making law enforcement consistent. Mr. Burns said that Councilor Hoggatt had provided an amended ordinance with additional chemical compounds, which will be added as items (g), (h), and (i). Councilor Hoggatt added that compound CP-47,497 was one of the earlier ones and is still being used in Europe, so it seemed prudent to add it to the list. He said that JWH-250 is an up-and-coming one in the Asian market, and he felt that it should be added. Councilor Hoggatt said that the list in the amended ordinance is comprehensive to his knowledge; if something comes up later, the ordinance may have to be amended.

Councilor Burch asked if the chemical nomenclature would be consistent with the international usage. Councilor Hoggatt said he would attempt to do that.

City Attorney Burns stated that those changes would be made and a new draft would be issued. He was asked why the fine was \$250. His response is that the maximum the City could impose under State law is \$2,500. It is a policy decision of the Council to decide the fine.

Councilor Hunt asked City Attorney Burns if this ordinance would become a State law eventually. Mr. Burns responded that Prosecutor Harrington would be present at the Council meeting. Mr. Burns reported that Mr. Harrington may not have a State law until May, so local government can fill the void in the meantime.

Councilor Hoggatt asked if there would be two readings at the Tuesday Council meeting. Councilor Hunt stated that the Council should hold a hearing at the October meeting before the final vote. Councilor Burch agreed that there should be public input. City Attorney Burns said there would have to be a unanimous vote to have two readings at the same meeting.

There was no further discussion.

Resolution No. 10-10 Resolution Approving The City Of West Lafayette Go Greener Commission Amended By-Laws (Submitted by Councilor Bunder)

Mayor Dennis read Resolution No. 10-10 by title.

Councilor Bunder explained that this amendment to the Go Greener Commission Bylaws is an attempt to make the election process go smoother. Mayor Dennis stated that it appeared to be housekeeping. Councilor Bunder said that he hoped so.

There was no further discussion.

COMMUNICATIONS

► Councilor Bunder stated that everyone got a letter from Purdue Student Government about the sale of Tommy Johnston Park, and asked for information. Mayor Dennis replied that this is on the agenda for the next Park Board meeting. The Board will decide whether to keep the park in its present location or move it. If they choose to move it, then that land would be for sale. Councilor Bunder asked if the Park Board owns the property. Mayor Dennis answered that it does.

Councilor Dietrich asked if the Park has ever moved a park and sold the property. Clerk-Treasurer Rhodes stated that the Park Board has acquired property and sold property in a variety of transactions without Council approval. City Attorney Burns added that the DNR and federal regulations require that they make replacement of it, equivalent access, so there is a process—a federal law applied through the State.

Councilor Bunder asked if Purdue Student Government wants to picket, they should not picket Councilor Bunder. Councilor Hunt said that the Park Board meets on the third Monday of each month.

Mr. Dan Ferguson, PSG City Liaison, clarified that Student Government has not established an opinion on whether the park should be kept, it is more an issue of time to look into the matter.

Councilor Thomas asked Parks Superintendent Payne why the Park Board was considering selling Tommy Johnston Park. Mr. Payne answered that use changes and perceived value of a park at that location over the past 35 years, since the park was established. He added that this was discussed a couple of years ago. The Board has not made a final decision to proceed. At this stage, the feasibility is being reviewed, but no one has been hired to go through the conversion process, which is required by State and federal government, because of us of federal Land and Water Conservation Funds for development of that park. If the appraisal

PRE-COUNCIL MINUTES, SEPTEMBER 2, 2010, CONTINUED

process determines that it is feasible, then the Park Board needs to determine whether to proceed with the conversion process, which is about a six-month process. That process specifies public input. It will be discussed publicly at Park Board meetings.

Councilor Dietrich said that the name would remain Tommy Johnston Park, regardless of location. Mayor Dennis and Parks Superintendent Payne confirmed that.

CITIZEN COMMENTS

None.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 5:00 p.m.